

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steve Tilman
Serial. No.: 09/811,348
Filing Date: March 16, 2001
For: Method and System of Marketing and Selecting Color

ASSISTANT COMMISSIONER FOR PATENTS

**Attention: Box Missing Parts
Washington, D.C. 20231**

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

This response is being submitted in response to the Notice to File Missing Parts of Non-Provisional Application mailed April 24, 2001, and the Notice of Incomplete Reply mailed June 5, 2001. A copy of both notices is attached.

Applicant respectfully points out that The Notice to File Missing Parts incorrectly calculates the filing fee based on 9 independent claims, when in fact, the application contains only 3 independent claims. A Request for A Corrected Filing Receipt is submitted herewith.

Applicant believes that the correct fees due are those presented in the accompanying Fee Transmittal; and that the instant filing is believed timely since it is being filed within two (2) months from the mailing date of the Notice. However, the Commissioner is hereby authorized to charge any additional fees required by this action, or credit any overpayment to Deposit Account No. 16-1435. A duplicate of this sheet is attached for that purpose.

Enclosed herewith for filing in the above-identified application are copies of the following documents:

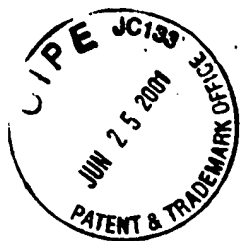
- 1) Copy of NOTICE TO FILE MISSING PARTS of Non-Provisional Application received from the USPTO dated April 24, 2001.
- 2) Copy of Notice of Incomplete Reply (Non-Provisional) mailed June 5, 2001.
- 3) Fee Transmittal;
- 4) Statement Claiming Small Entity Status;
- 5) Declaration and Power of Attorney

Respectfully submitted,

Alana Kriegsman

Alana Kriegsman
Reg. No. 41,747

Date: 6/25/01
Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101
(336) 607-7300
WINLIB01:890486.1



06-26-01

Section 1

EXPRESS MAIL CERTIFICATE

"Express Mail" mailing label number: EL 894 955 125 US

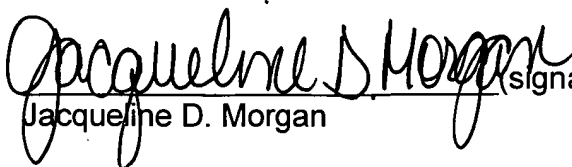
Date of Deposit : June 25, 2001

Type of Document(s) : Response to Notice to File Missing Parts (1 page & copy);
Copy of Notice to Filing Missing Parts of Non-Provisional Application (2 pages);
Copy of Notice of Incomplete Reply (Non-Provisional) (1 page)
Fee Transmittal (PT0/SB17) (1 page);
Statement Claiming Small Entity Status (1 page)
Declaration and Power of Attorney (2 pages);
and
Return Postcard

Serial No. : 09/811,348

Filing Date : March 16, 2001

I hereby certify that the documents identified above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

 (signature)
Jacqueline D. Morgan

EXPRESS MAIL NO. 894955125

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/811,348	03/16/2001	Steve Tilman	40655-201257

CONFIRMATION NO. 7734

FORMALITIES LETTER

OC000C00006147971

Alana G. Kriegsman
Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101

Date Mailed: 06/05/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 05/11/2001 to the Notice to File Missing Parts (Notice) mailed 04/24/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

A copy of this notice **MUST** be returned with the reply.

Ruth. BERHEZ
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Adjustment date: 07/02/2001 MBERHE
06/01/2001-MTEKLEMI 00000004 161435 09811348
01 FC:101 710.00 CR
02 FC:102 480.00 CR
03 FC:103 126.00 CR
04 FC:105 130.00 CR

EXPRESS MAIL NO. 894955125

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/811,348	03/16/2001	Steve Tilman	40655-201257

CONFIRMATION NO. 7734

FORMALITIES LETTER

OC000000006003082

Alana G. Kriegsman
Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101

Date Mailed: 04/24/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$606.

07/02/2001 MBERHE	00000010	161435	09811348
01 FC:201	355.00	CH	
02 FC:205	65.00	CH	
03 FC:203	63.00	CH	

 - \$126 for 7 total claims over 20.
 - \$480 for 6 independent claims over 3.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1446.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:

07/05/2001 SSALEEKU 00000012 161435 09811348

- | | | | |
|-----------|--------|----|---|
| 01 FC:202 | 240.00 | CH | ■ drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch); |
|-----------|--------|----|---|

The following item(s) appear to have been **omitted** from the application:

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- Figure(s) **7A** described in the specification.

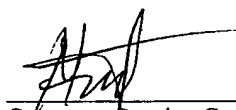
I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

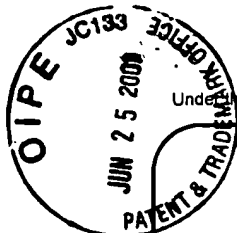
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



894955125

PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

EXPRESS MAIL NO.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 483

Complete if Known

Application Number	09/811,348
Filing Date	March 16, 2001
First Named Inventor	Steve Tilman
Examiner Name	To Be Assigned
Group / Art Unit	To Be Assigned
Attorney Docket No.	40655-201257

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 16-1345

Deposit Account Name: Kilpatrick Stockton, LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION (continued)

3. ADDITIONAL FEES		Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$ 65)

FEE CALCULATION

1. BASIC FILING FEE		Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility filing fee	355
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1)					(\$ 355)

2. EXTRA CLAIM FEES

Total Claims: 27 -20 = 7 X 9 = 63

Independent Claims: 3 -3 = 0 X 40 = 0

Multiple Dependent: X = 0

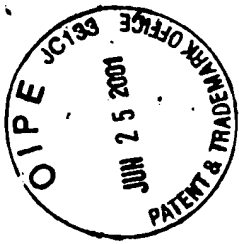
Large Entity	Small Entity	Fee Description
103	203	9 Claims in excess of 20
102	202	40 Independent claims in excess of 3
104	204	135 Multiple dependent claim, if not paid
109	209	40 ** Reissue independent claims over original patent
110	210	9 ** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 63)

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Alana Kriegsmann	Registration No. Attorney/Agent)	41,747	Telephone	336-607-7300
Signature	eAlana Kriegsmann			Date	6-25-01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



06-26-01

Receipt

EXPRESS MAIL CERTIFICATE

RECEIVED

SEP 1 2 2001

TECH CENTER 1600/2900

"Express Mail" mailing label number: EL 894 955 258 US

Date of Deposit : June 25, 2001

Type of Document(s) : Request for Corrected Filing Receipt (1 page & copy);
Copy of Filing Receipt (2 pages); and
Return Postcard

Serial No. : 09/811,348

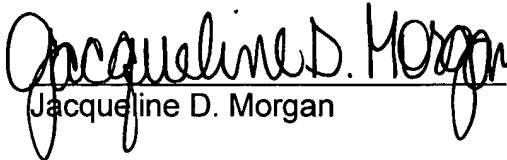
Filing Date : March 16, 2001

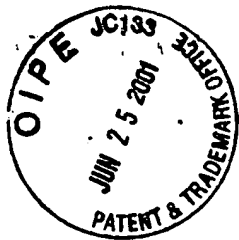
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SEP 2 7 2002

GROUP 3600

I hereby certify that the documents identified above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

 (signature)
Jacqueline D. Morgan



PATENT
40655/201257
Express Mail No. EL 894 955 258 US

PH
#3
11/7/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

SEP 12 2001

TECH CENTER 1600/2900

In re Application of:

Steve Tilman

Serial No.:

09/811,348

For:

METHOD AND SYSTEM OF
MARKETING AND SELECTING
COLOR

Filed:

March 16, 2001

Examiner:

To Be Assigned

Group Art Unit:

To Be Assigned

Honorable Commissioner of Patents and Trademarks
Attention: Box Application's Processing
Division's Customer Correction Branch
Washington, DC 20231

RECEIVED

SEP 27 2002

GROUP 3600

REQUEST FOR CORRECTED FILING RECEIPT

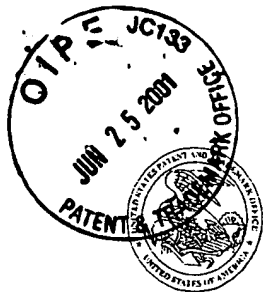
1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.
2. There is an error with respect to the following data, which is: the patent contains 3 independent claims, not 9 as stated by the Patent Office in the attached Filing Receipt.
3. No fee is believed due, however in the event that a fee is due, the Commissioner is hereby authorized to charge any fees due and credit any over payments to Deposit Account No. 16-1435 (Kilpatrick Stockton LLP - Win). A duplicate of this paper is submitted.

Respectfully submitted,

Date: 6/25/01

By: Alana Kriegsman
Alana Kriegsman (Reg. No. 41,747)
Attorney for Applicant

KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101
(336) 607-7300
40655-201257
WINLIB01:894133.1



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Page 1 of 4
SEP 12 2001
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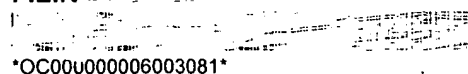
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/811,348	03/16/2001	1632	0.00	40655- 201257	40	27	9

CONFIRMATION NO. 7734

FILING RECEIPT



Alana G. Kriegsman
Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101

Date Mailed: 04/24/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Steve Tilman, Residence Not Provided;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/189,778 03/16/2000

Foreign Applications

If Required, Foreign Filing License Granted 04/24/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Method and system of marketing and selecting color

Preliminary Class

RECEIVED
SEP 27 2002
GROUP 3600

894955258

EXPRESS MAIL NO. _____

800

Data entry by : GENET, YODIT

Team : OIPE

Date: 04/24/2001

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

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EXPRESS MAIL NO. _____